

AMENDED IN SENATE JUNE 7, 2010

AMENDED IN SENATE APRIL 19, 2010

AMENDED IN ASSEMBLY JANUARY 25, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1239

**Introduced by Assembly Member Solorio
(Coauthors: Assembly Members Bradford and Torlakson)**

February 27, 2009

An act to add Section 2062.5 to the Penal Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 1239, as amended, Solorio. Prisoners: prison education programs.

Existing law establishes various prison education programs. Existing law requires the Department of Corrections and Rehabilitation to determine and implement a system of incentives to increase inmate participation in, and completion of, academic and vocational education, as specified. Existing law requires the department to develop and implement a plan to obtain additional rehabilitation and treatment services for prison inmates and parolees.

The bill would state findings and declarations of the Legislature pertaining to inmate education. This bill would require that the Department of Corrections and Rehabilitation implement any funding adjustments to inmate academic and vocational education programs consistent with specified requirements, including, among others, that the department shall prioritize the preservation of programs that are effective at reducing recidivism and that the department shall seek to

place inmates and parolees into programs for which they are best suited, as specified. The bill would require the department to annually report to the Joint Legislative Budget Committee specified information regarding inmate participation in, and completion of, academic and vocational education programs. *The bill would render this reporting requirement inoperative on September 1, 2015.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Approximately 95 percent of inmates in the custody of the
- 3 Department of Corrections and Rehabilitation (CDCR) will be
- 4 released and returned to their original communities. According to
- 5 the Legislative Analyst's Office, only 14 percent of those released
- 6 will have received any education or vocational training while
- 7 incarcerated.
- 8 (b) Lack of academic and vocational education programs creates
- 9 significant risk and safety issues in the prisons for staff and
- 10 inmates. The top five CDCR facilities with the highest percentages
- 11 of inmates in academic programs had an average in-prison violence
- 12 rate of 4.9 incidents per 100 inmates. The bottom five facilities
- 13 with the lowest percentages of inmates in academic programs had
- 14 an average in-prison violence rate of 8.2 incidents per 100 inmates,
- 15 nearly double the average for facilities with high percentages of
- 16 inmates in academic programs. The facilities with the highest rates
- 17 of academic programs for inmates exhibited an average violence
- 18 rate of 3.9 incidents per 100 inmates. The average number of
- 19 incidents was more than twice as high, 8.6 incidents per 100
- 20 inmates, in CDCR facilities with the lowest rate of academic
- 21 programs for inmates.
- 22 (c) Attending school behind bars reduces the likelihood of
- 23 reincarceration by 29 percent. Translated into savings, every \$1
- 24 spent on inmate education has a return of more than \$2 in reduced
- 25 prison costs which can then go back to the General Fund.
- 26 (d) California has one of the lowest rates of inmate participation
- 27 in academic programs of any state. Nineteen percent of inmates
- 28 are completely illiterate and 40 percent of inmates are functionally
- 29 illiterate, rates that far exceed the general population. California

1 has the dubious distinction of having one of the highest rates of
2 recidivism in the country. According to the Legislative Analyst's
3 Office, the number of slots for academic programs has actually
4 decreased from 37,000 in 1998 to 27,000 in 2007.

5 SEC. 2. Section 2062.5 is added to the Penal Code, to read:

6 2062.5. (a) The Department of Corrections and Rehabilitation
7 shall implement any funding adjustments to inmate academic and
8 vocational education programs consistent with all of the following:

9 (1) The department shall prioritize the preservation of programs
10 that are effective at reducing recidivism based on evidence in
11 studies of the programs operated by the department or in the
12 national literature.

13 (2) The department shall seek to achieve savings through more
14 efficient operations in the delivery of these programs and shall
15 take into account cost avoidance for the state.

16 (3) The department shall seek to place inmates and parolees
17 into programs for which they are best suited by prioritizing the
18 ~~placement of offenders who are assessed as higher risk to reoffend,~~
19 *who* demonstrate a significant need for the services provided by a
20 particular program, and who have a sufficient amount of time left
21 to serve in prison to reasonably complete the program or, at a
22 minimum, make a reasonable amount of progress so that it is
23 possible that the program will have an impact on their likelihood
24 of recidivating.

25 (4) The department shall seek to prioritize the elimination of
26 vacant positions over the laying off of existing staff.

27 (5) The department shall seek to use available resources to
28 maximize the ~~number of~~ *quality of educational programs for*
29 inmates and parolees who ~~have access to~~ *access* and complete
30 programs.

31 (6) The department shall seek to maximize the use of federal
32 or other funds to maintain or enhance inmate and parolee programs.

33 (b) No later than September 1 of each year, the department shall
34 report to the Joint Legislative Budget Committee a detailed plan
35 as to how it is meeting the requirements imposed on the department
36 by Sections 2054.2 and 2062 to increase participation and
37 completion rates for academic and vocational education programs,
38 as determined by the assessments performed pursuant to Section
39 3020. This report shall include, but not be limited to, information
40 on the success of participants at achieving a literacy level as

1 specified in Section 2053.1, a high school diploma or equivalent,
2 or a particular job skill. *This subdivision shall be inoperative on*
3 *September 1, 2015, pursuant to Section 10231.5 of the Government*
4 *Code.*

O